

# Protecting Patients Access to Emergency Health Care

## Patients are Denied Access to ER Care

- After a six hour delay in Emergency care, Leanne Dyess' husband Tony was left permanently brain damaged. "I had heard about some of the frivolous lawsuits and of course the awards... And like most Americans, I shook my head and said, 'Someone hit the lottery.' But I never asked, 'At what cost?'"
- Doctors and hospitals - many who are self-insured - are facing such high premiums that they are forced to close their doors.
- Some neurosurgeons are now paying medical liability insurance premiums in excess of \$400,000 per year, forcing them to cut back on services or shut their doors to patients.

## The Problem is Getting Worse

- Greedy trial lawyers and frivolous lawsuits have made medical liability reform critical to protecting patients' access to care.
- In 1997, only two medical liability verdicts topped \$20 million, compared to 2001, when at least 12 went above 20 million and three exceeded \$100 million.
- Medical liability insurance is the second most dangerous line of insurance in the world - second only to earthquake insurance.
- In recent years, frivolous lawsuits have increased at alarming rates while jury awards and settlements have skyrocketed- regardless of innocence or guilt.
- The vast majority of medical liability cases never come to trial, yet it costs an average of nearly \$25,000 to defend each claim according to HHS.

## Delivering a Solution - the Access to Care Act

- Patients who are truly injured should receive fair compensation with no limits on lifetime expenses they may incur due to injury
- The *Access to Care Act* allows for unlimited economic awards in medical liability.
- This legislation allows for unlimited economic awards in medical liability.



Prepared by the Senate Republican Conference

Rick Santorum-Chairman, Kay Bailey Hutchison-Vice Chairman

## ER Stats (pulse like on the life monitoring machines)

- Each year over one million people visit the emergency room in the United States.
- Over 76 percent of emergency rooms have diverted patients in the last 12 months because of a lack of specialty physician coverage.
- Over 1.5 million people suffer traumatic brain injuries each year.
- Trauma centers have closed their doors in many states, including Florida, Mississippi, Nevada, Pennsylvania and West Virginia.
- Patients have died or become permanently disabled because of delayed emergency treatment or because they had to be transported to emergency facilities farther away.

## Ob-Gyn

- Women cannot obtain the medical care they need. Ob-gyns are quitting the practice, no longer delivering babies, reducing the number they do deliver and eliminating care for high-risk patients, the uninsured and underinsured.
- One patient in Nevada was forced to wait six months to have lumps removed from her uterus and ovaries because doctors could not see her. (Las Vegas Review-Journal, November 5, 2002)
- Another woman was forced to deliver her own baby on the side of the road in Arizona on the way to her doctor who was hours away. (CARH)
- The future of quality health care is threatened because medical students are choosing not to study high risk specialties like neurosurgery and obstetrics.
- In 2003, not one medical student at the University of Maryland School of Medicine chose to enter obstetrics and gynecology.
- At the University of Utah in 2003, only 2 out of 100 medical school graduates chose obstetrics for their residency programs. In 2002, none of the graduates chose obstetrics.
- 80% of medical students who are trained in Pennsylvania ultimately choose to practice elsewhere.

(Source: SRC, Alliance of Specialty Medicine, ACOG, CARH, AMA, AHA, HHS)



Prepared by the Senate Republican Conference

Rick Santorum-Chairman, Kay Bailey Hutchison-Vice Chairman